

JOURNAL OF THE HOUSE.

Wednesday, March 25, 2015.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Guests of the House.

At the beginning of the session, The Chair (Mr. Donato of Medford) declared a brief recess, and introduced the sixth grade students from the Tenacre Country Day School. At the invitation of the Chair, they participated in the pledge of allegiance to the flag. They were the guests of Ms. Peisch of Wellesley.

Tenacre
Country
Day
School.

Silent Prayer.

At the request of Mr. Linsky of Natick (Mrs. Haddad of Somerset being in the Chair) the members, guests and employees stood for a moment of silent tribute in memory of Stanley Boris Cohen who passed on March 13, 2015. He was the devoted husband of Irene Cohen and father of Stan Cohen, Ron Cohen, and Lynne Kutensky. Born in Winthrop, and raised in Mattapan, Stan was a graduate of Hyde Park High School. He continued his education at the United States Merchant Marine Academy at King's Point, New York and then went on to serve in the Merchant Marines and the US Navy. Stanley saw combat aboard Liberty ships in the Atlantic, Mediterranean, and Middle Eastern War Zones. An Electrician's Mate, the majority of his time was spent on the USS Landing Ship Medium 125. Stan joined the United States Postal Service and was a letter carrier in Natick for over 30 years. After his retirement, he transported Natick Public School special needs students for many years. A longstanding member of the Natick VFW Post #1274, he was particularly active in veteran's events and services in the town of Natick. He assisted veterans in need where possible, and could regularly be seen joining mourners at a cemetery to salute a fellow veteran one last time.

Stanley
Boris
Cohen.

Message from the Governor.

A message from His Excellency the Governor recommending legislation providing for the terms of bonds issued by the Commonwealth for municipal road and bridge repairs (House, No. 3202), was filed this day in the office of the Clerk.

Municipal
roads and
bridges,—
terms.

The message was read; and it was referred, under Rule 17G, with the accompanying draft of a bill, to the committee on Bonding, Capital Expenditures and State Assets.

Change in a Joint Standing Committee.

Revenue
committee.

The Speaker announced that Representative Petrolati of Ludlow had been relieved of duty (at his own request) from the committee on Revenue.

Resolutions.

Charles D.
Mara.

Mr. Donato of Medford being in the Chair,—
The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Calter of Kingston) congratulating Charles D. Mara on achieving the rank of Eagle Scout with the Boy Scouts of America; and

Jack
Perkins.

Resolutions (filed by Ms. Hogan of Stow) congratulating Jack Perkins on achieving the rank of Eagle Scout with the Boy Scouts of America;

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. McMurtry of Dedham, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

The following communication was read and spread upon the records of the House, as follows:

March 25, 2015.

Honorable Robert A. DeLeo
Speaker of the House
State House, Room 356
Boston, MA 02133

Dear Mr. Speaker:

House
Counsel
appointed.

I write to notify you that, pursuant to Section 51 of Chapter 3 of the General Laws, the committee on Rules on the part of the House, established pursuant to an order adopted by the House on January 29, 2015, has voted unanimously to appoint James C. Kennedy of Milton as Counsel to the House of Representatives.

Sincerely,

WILLIAM C. GALVIN, *Chairman*,
House Committee on Rules,
State Representative,
17th Worcester District.

Department of
Children and
Families,—
hearing
process.

A communication from the independent evaluator, the Ripples Group, submitting a preliminary report (under item 1599-7771 contained in Section 2 of Chapter 165 of the Acts of 2014) summarizing the activities of said group performed during the initial immersion phase of the assessment of the administrative hearing process of the Department of Children and Families, was placed on file.

Special Report.

A special report of the Secretary of the Commonwealth (under the provisions of Section 2JJJ of Chapter 29 of the General Laws) submitting the Registers Technology Fund Spending Plan for the registers of deeds in the Commonwealth [copies of said report forwarded to the committee on Ways and Means and committee on Post Audit and Oversight, as required by statute], was placed on file.

Registers of
Deeds,—
technology
fund.

Petitions.

Representative Kulik of Worthington and Senator Downing presented a joint petition (accompanied by bill, House, No. 3191) of Stephen Kulik and Benjamin B. Downing (by vote of the town) that the town of Williamsburg be authorized to continue the employment of fire fighter Paul Sanderson, notwithstanding the maximum age requirement; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

Williamsburg,—
Paul
Sanderson.

Petitions severally were presented and referred as follows:

By Mr. Devers of Lawrence, a petition (subject to Joint Rule 12) of Marcos A. Devers and others relative to the acceptance of credits from veterans for the purpose of completing a four-year degree.

Veterans,—
higher
education.

By Ms. Dykema of Holliston, a petition (subject to Joint Rule 12) of Carolyn C. Dykema and Donald H. Wong relative to student privacy.

Students,—
privacy.

By Mrs. Harrington of Groton, a petition (subject to Joint Rule 12) of Sheila C. Harrington that private pensions and government pensions be treated equally for state income tax purposes.

Pensions,—
taxation.

By Ms. Malia of Boston (by request), a petition (subject to Joint Rule 12) of Ron Goldman to encourage parents and caregivers of children to refrain from the use of corporal punishment.

Children,—
corporal
punishment.

Severally, under Rule 24, to the committee on Rules.

Paper from the Senate.

A petition (accompanied by bill, Senate, No. 29) of Michael O. Moore, Harriette L. Chandler, James J. O'Day, Daniel M. Donahue and other members of the General Court (with the approval of the mayor and city council) for legislation to authorize the city manager of the city of Worcester to appoint the chair of the Worcester Redevelopment Authority, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Worcester
Redevelopment
Authority.

Reports of Committees.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Paul F. Tucker for legislation to establish a sick leave bank for Steven Goler, an employee of the Massachusetts Department of Transportation. Under suspension of the rules, on motion of Mr. Tucker of Salem, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Steven
Goler,—
sick leave.

John Morrill,—
sick leave.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a sick leave bank for John Morrill, an employee of the Attleboro District Court (House, No. 1368), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Deborah Hawkins,—
sick leave.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Deborah Hawkins, an employee of the Office of the State Auditor (House, No. 3184). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Early retirement.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 1, reported, in part, a Bill providing for an employee retirement incentive program (House, No. 3189) [Total appropriation: \$500,000.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, the noon recess having terminated (Mrs. Haddad of Somerset being in the Chair), under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Mr. Hecht of Watertown and other members of the House moved to amend it by striking out section 12 and inserting in place thereof the following section:

“SECTION 12. On or before December 1, 2015, the secretary of administration and finance shall file with the house and senate committees on ways and means a report detailing the number of employees participating in the retirement incentive program, the estimated salary savings in fiscal years 2016 and 2017 as a result of such employees’ participation, the number of positions that have been or are expected to be refilled before June 30, 2016, and the estimated salary costs in fiscal years 2016 and 2017 on account of such refilled positions. For each position that has not been refilled, the report shall also detail how the duties and expertise associated with the position have been or will be fulfilled or otherwise accounted for by the relevant agency, bureau, department, office, or division of the executive department.”.

The amendment was adopted.

Mrs. O'Connell of Taunton and others members of the House then moved to amend the bill in section 9, in lines 130 to 135, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

"Notwithstanding the provisions of section 91 of chapter 32 of the General Laws, an employee retired under the provisions of this act may not be reemployed in the service of the commonwealth, including as a consultant, independent contractor or by a quasi-public agency, or as a person whose regular duties require time devoted to the service of the commonwealth, within 3 years after the effective date of retirement in this act. A member who retired under the retirement incentive program shall be eligible for reinstatement pursuant to section 105 of said chapter 32."

The amendment was rejected.

After remarks on passing the bill, as amended, to be engrossed, Mr. Dempsey of Haverhill moved to amend it by striking out sections 1 and 2A;

In section 3, in line 26, by inserting after the word "act" the following: "and through the date of retirement specified in section 4";

In section 7 by adding the following sentence: "The provisions of section 91 of said chapter 32 shall not apply for the calendar year 2015 to previously retired employees of the state retirement board engaged to implement the provisions of this act."; and

In section 8, in lines 104 and 105, by striking out the following: "1/4 of such payment on September 1, 2015, 1/4 of such payment on July 1, 2016, 1/4 of such payment on July 1, 2017, and 1/4 of such payment on July 1, 2018" and inserting in place thereof the following: "1/3 of such payment on September 1, 2015, 1/3 of such payment on July 1, 2016, and 1/3 of such payment on July 1, 2017."

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Murphy of Weymouth; and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—yea and nay No. 26.

[See Yea and Nay No. 26 in Supplement.]

[Messrs. Durant of Spencer, Scibak of South Hadley and Silvia of Fall River answered "Present" in response to their names.]

Therefore the bill, as amended, was passed to be engrossed. The bill (House, No. 3189, amended) then was sent to the Senate for concurrence.

Subsequently a statement of Mr. Barrows of Mansfield was spread upon the records as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call I was recorded as voting in the affirmative. However, it was my intention to answer "present".

Statement of Mr. Barrows of Mansfield.

Recess.

At eleven minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until two o'clock P.M.; and at eight minutes after two o'clock the House was called to order with Mrs. Haddad of Somerset in the Chair.

Recess.

Paper from the Senate.

Supplemental
appropriations.

The House Bill making appropriations for the fiscal year 2015 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 65, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 28.

Under suspension of Rule 35, on motion of Mr. Dempsey of Haverhill, the amendment was considered forthwith.

Committee of
conference.

The House then non-concurred with the Senate in its amendment; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Dempsey, Kulik of Worthington and Smola of Warren were appointed to the committee on the part of the House. Sent to the Senate to be joined.

Reports of Committees.

Municipal
roads and
bridges,—
financing.

By Mr. Cabral of New Bedford, for the committee on Bonding, Capital Expenditures and State Assets, that the Bill financing improvements to municipal roads and bridges (printed in House, No. 3187), ought to pass [Bond Issue: General Obligation Bonds: \$200,000,000.00]. Referred, under Rule 33, to the committee on Ways and Means.

Mr. Dempsey of Haverhill, for said committee, then reported recommending that the bill ought to pass with an amendment by adding the following section:

“SECTION 5. Notwithstanding any general or special law to the contrary, the bonds that the state treasurer may issue pursuant to section 3 of this act shall be issued for a term not to exceed 30 years. All such bonds shall be payable not later than June 30, 2050, as recommended by the governor in a message to the general court dated March 12, 2015, pursuant to Section 3 of Article LXII of the Amendments to the Constitution.”

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Mr. Nangle of Lowell, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means was adopted; and the bill, as amended, was ordered to a third reading.

Subsequently under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Bill passed to
be engrossed,—
yea and nay
No. 27.

After remarks on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Finn of West Springfield; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 27 in Supplement.]

Therefore the bill was passed to be engrossed. The bill (House, No. 3187, amended) then was sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next
sitting.

At seven minutes before four o'clock P.M., on motion of Mr. Hill of Ipswich (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.